

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA)
) No. 07 CR 843-3
v.)
) Magistrate Judge Sidney I. Schenkier
DANIEL HILL)

ORDER OF DETENTION

The government having moved to detain the defendant pursuant to 18 U.S.C. § 3142, and this Court having reviewed and considered the evidence presented, as well as having heard argument on this matter, hereby finds that:

1. The defendant has been charged in a complaint with conspiring to knowingly and intentionally distribute and possess with the intent to distribute 50 grams or more of cocaine base in the form of “crack cocaine,” in violation of 21 U.S.C. § 846.
2. After a full hearing and argument on this matter, the Court finds that the statutory factors enumerated in 18 U.S.C. § 3142(e) and (g) favor detention of the defendant as a danger to the community and a significant risk of flight:
 - (a) Defendant is charged by way of federal complaint with a serious drug trafficking crime (21 U.S.C. § 846) that carries a mandatory minimum sentence of 10 years’ imprisonment upon conviction, as well as a maximum possible sentence of life imprisonment and a \$4 million fine. Defendant is alleged in that complaint to have been an “overseer” in a drug-trafficking organization that operated for nearly a decade. In addition, the evidence as alleged in the complaint appears both strong and abundant, with much of it existing in recorded form.

(b) It is presumed that no condition or combination of conditions will reasonably assure the appearance of defendant as required and the safety of the community, since probable cause exists to believe that defendant committed an offense for which a maximum term of imprisonment of ten years or more is prescribed in the Controlled Substances Act (21 U.S.C. 801 et seq.). Defendant has not rebutted that presumption.

(c) In terms of defendant's history and characteristics, defendant has a felony narcotics conviction for which he is currently on probation. Additionally, defendant has accumulated 5 misdemeanor convictions, including for violent offenses such as aggravated assault of a police officer and resisting arrest. Moreover, defendant currently has a battery case pending in the Circuit Court of Cook County.

(d) While serving sentences of probation and conditional discharge, defendant incurred new arrests. Additionally, he has no fewer than 7 failure to appear for prior required state court appearances.

(e) Defendant is unemployed, has no assets, and has a negative net worth. He claims to be supported by his various girlfriends and his mother.

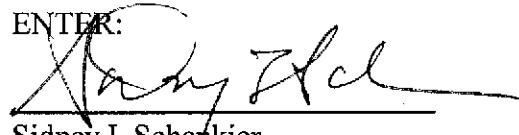
3. Based upon the aforementioned factors, the Court finds that the defendant has not rebutted the presumption in 18 U.S.C. § 3142(e) that no condition or combination of conditions will reasonably assure his appearance as required and the safety of the community. Accordingly,

IT IS HEREBY ORDERED, pursuant to 18 U.S.C. § 3142(e), that defendant Daniel Hill shall remain in custody pending resolution of his case. During the period of confinement, defendant shall be kept separate, to the maximum extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal.

IT IS FURTHER ORDERED that the defendant shall be afforded reasonable opportunity for private consultation with his counsel.

IT IS FURTHER ORDERED that upon order of the United States District Court or on request of an attorney of the government, the Warden of the Metropolitan Correctional Center shall deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding, trial preparation, or other compelling reason.

ENTER:



Sidney I. Schenkier
United States Magistrate Judge

Dated: January 14, 2008